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Attorneys for Defendants FNP, Inc., d/b/a First National Pawn; F N P of Montana, Inc., d/b/a First National Pawn; FNP of Missoula, Inc., d/b/a First National Pawn; FNPS, LLC; and First National Properties, LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

TRAVIS BOOSE, individually and on behalf of )  
similarly situated JOHN DOES 1-500, )

Plaintiffs, )

vs. )

FNP, INC., d/b/a FIRST NATIONAL PAWN; F )  
N P of MONTANA, INC., d/b/a FIRST )  
NATIONAL PAWN; FNP of MISSOULA, )  
INC., d/b/a FIRST NATIONAL PAWN; FNPS, )  
LLC; FIRST NATIONAL PROPERTIES, LLC; )  
and DOES 1-5, )

Defendants. )

Cause No. \_\_\_\_\_

**NOTICE OF REMOVAL OF  
ACTION PURSUANT TO 28  
U.S.C. §§ 1331; 1337(a) &  
1441 (a)**

PLEASE TAKE NOTICE that Defendants FNP, Inc., d/b/a First National Pawn; F N P of Montana, Inc., d/b/a First National Pawn; FNP of Missoula, Inc., d/b/a First National Pawn; FNPS, LLC; and First National Properties, LLC, hereby remove to this Court the State Court action described below:

1. On October 16, 2020, an action was commenced in the Montana Eleventh Judicial District Court, Flathead County, entitled Travis Boose, Plaintiff v. FNP, Inc., d/b/a First National Pawn; F N P of Montana, Inc., d/b/a First National Pawn; FNP of Missoula, Inc., d/b/a First National Pawn; FNPS, LLC; and First National Properties, LLC, Defendants. A copy of the complaint is attached as exhibit 1.

2. Defendants were served with a copy of the complaint on Friday, October 30, 2020. Therefore, this Notice of Removal is filed within thirty days of service of the Complaint on Defendants as required by 28 U.S.C. § 1446(b).

3. Federal question jurisdiction under 28 U.S.C. §§ 1331, 1337(a) & 1441(a), is proper as the Plaintiff's claims arise under the Fair Labor Standards Act, 29 U.S.C. 201, *et seq.*, and removal is appropriate pursuant to *Breuer v. Jim's Concrete of Brevard, Inc.*, 538 U.S. 699, 123 S.Ct. 1882, 154 L.Ed.2d 923 (2003).

4. Plaintiff's Complaint also sets out a state wage claim under the

Montana Minimum Wage and Wage Protection Act. This Court has supplemental jurisdiction over this claim pursuant to 28 U.S.C. § 1367(a) because it arises out of the same operative facts as Plaintiff's claim under the FLSA and "form[s] part of the same case or controversy under Article III of the United States Constitution." 28 U.S.C. § 1367(a).

5. A copy of this notice of removal has been mailed to the following individuals:

Don C. St. Peter, Esq.  
Michael O'Brien, Esq.  
Logan Nutzman, Esq.  
St. Peter Law Offices, P.C.  
2620 Radio Way  
P.O. Box 17255  
Missoula, MT 59808

Peg Allison  
Clerk of District Court, Flathead County  
920 S. Main, Ste 300  
Kalispell, MT 59901-5400

DATED this 13th day of November, 2020.

**PARKER, HEITZ & COSGROVE, PLLC**

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Billings, Montana 59103-7212

/s/ *Casey Heitz*

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Casey Heitz

Attorney for Defendants FNP, Inc., d/b/a First National Pawn; F N P of Montana, Inc., d/b/a First National Pawn; FNP of Missoula, Inc., d/b/a First National Pawn; FNPS, LLC; and First National Properties, LLC

DATED this 13th day of November, 2020.

**RITCHIE MANNING KAUTZ PLLP**

Jason S. Ritchie

175 North 27th Street, Suite 1206

Billings, MT 59101

/s/ *Jason S. Ritchie*

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Jason S. Ritchie

Attorney for Defendants FNP, Inc., d/b/a First National Pawn; F N P of Montana, Inc., d/b/a First National Pawn; FNP of Missoula, Inc., d/b/a First National Pawn; FNPS, LLC; and First National Properties, LLC